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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,087	12/21/2001	Werner Pochmuller	10191/2132	8281
26646 7590 06/12/2007 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			EXAMINER NGUYEN, JENNIFER T	
			ART UNIT	PAPER NUMBER
			2629	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/026,087

Applicant(s)

POCHMULLER ET AL.

Examiner

Jennifer T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office action is responsive to Appeal Brief filed 10/27/2006.
2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Drawings

3. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings contain no label. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Obradovich (Patent No.: US 6,275,231).

Regarding claim 1, Obradovich teaches a device for receiving data via radio signals in a

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motor vehicle, comprising:

- an input device (i.e., automobile control keys 211, operating keys 215, fig. 2);
- a radio receiver (1111) for receiving data;
- a processor (103, fig. 1) for processing the data;
- a memory (107) (col. 3, line 63 to col. 4, line 6); and
- a display (205, fig. 2) for displaying the processed data, wherein the input device, when operated once, in the event of a fault, puts the device in a state defined in the memory for playing back the data (col. 13, line 64 to col. 14, line 5), and

wherein the fault includes at least one of a failure of a service to respond, a failure in data reception, lack of device compatibility, a software fault, an operating system fault, and a memory fault (col. 13, lines 64-66).

Regarding claim 2, Obradovich teaches the input device includes at least one pushbutton on the device (col. 4, lines 51-56).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3-11 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Obradovich (Patent No.: US 6,275,231) in view of Igbinadolor (Patent No.: US 6,779,196).

Regarding claim 3, Obradovich differs from claim 3 in that he does not specifically teach the input device includes a remote control.

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Igbinadolor teaches the input device includes a remote control (col. 3, lines 19-21).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the remote control as taught by Igbinadolor in the system of Obradovich in order to manage the system in a different efficient manner.

Regarding claim 4, the combination of Obradovich and Igbinadolor teaches the input device includes a microphone (col. 2, lines 40-46 of Igbinadolor).

Regarding claim 5, the combination of Obradovich and Igbinadolor teaches the state leads to the display of selection options, one of which is to be selected (see fig. 4 of Igbinadolor, selection options from "tape", "CD", "Fax").

Regarding claim 6, the combination of Obradovich and Igbinadolor teaches record/playback selection option but did not expressly detail the resume, restart selection options. However, one skill in the art can recognize that Igbinadolor's audio/video recording and playing device should have to have a resume, restart selection options.

Regarding claims 7 and 8, the combination of Obradovich and Igbinadolor teaches the portal is stipulated by a user of the device (col.2, lines 64 - col.3, lines 12).

Regarding claims 9 and 10, the combination of Obradovich and Igbinadolor teaches that the restart is performed through software (col.1, lines 41-49 of Igbinadolor) and the restart is performed through hardware (fig.1 (Am -Fm) button to tune the radio On).

Regarding claim 11, the combination of Obradovich and Igbinadolor teaches pushbutton causes various states of the device after operation for different periods of time (col.5, lines 3 - 57).

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Regarding claim 13, the combination of Obradovich and Igbinadolor teaches an audio broadcasting signal (col.2, 55-63, col.6, lines 26-33, it is obvious for a television to broadcast a digital signal).

Regarding claim 14, Obradovich teaches the data includes a graphic (fig. 7).

Regarding claim 15, the combination of Obradovich and Igbinadolor teaches an infrared transceiver (See Abstract, col.3, line 20 (since a remote control uses an infrared signal, thus the transceiver must have be an infrared)).

Regarding claim 16, Obradovich teaches the processor is configured to perform decoding and reformatting of the data (col.12, lines 50-60).

8. Applicant's arguments with respect to claims 1-11 and 13-16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer T. Nguyen whose telephone number is 571-272-7696. The examiner can normally be reached on Mon-Fri: 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard A. Hjerpe can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer Nguyen
6/5/07



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